



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Sale and Use of Legal Fireworks in the City of Lodi

MEETING DATE: February 19, 1997

PREPARED BY: Scott Kenley, Fire Chief

RECOMMENDED ACTION: That the Council ratify Alternative 1 and maintain the ban on the sale and use of fireworks within the city limits of the City of Lodi.

BACKGROUND INFORMATION: In 1996, the City Manager was approached regarding the possibility of the city approving the sale of safe and sane fireworks. Currently, fireworks are banned in San Joaquin County except for the City of Ripon. At the informational meeting on January 21, 1997, the Lodi Fire Department presented information regarding the issues relating to the sale of legal fireworks in the City of Lodi. This issue was brought to the council's attention by non-profit groups within the city. During the discussion, council listened to several citizens on each side of the issue and a report from the Chief of Police. Council was presented with information relative to statistics gathered by the California State Fire Marshal's Office with regards to fires and injuries caused by legal and illegal fireworks. The fire department stated, and was supported by citizen comments, that "Although legal fireworks does not present a severe fire hazard, they do mask the ability to identify the illegal fireworks that do present a significant problem to the fire and life safety of the community."

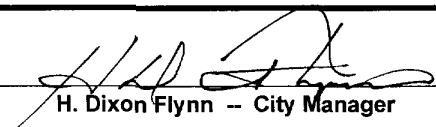
Additional discussions centered on the application process, number of permits per year, how permits would be issued, who would be eligible for permits, etc. Answers to these questions have not been fully explored and would require meeting with the interested non-profit groups to bring consensus on the protocols.

ANALYSIS

Although legal fireworks, through statistical analysis, do not present a significant hazardous situation, they still cause injury and some fires. In addition, they mask the ability of fire department personnel to easily identify the illegal fireworks that have been known to cause significant fire damage and severe injuries. If the sale and use of legal fireworks is allowed in the City of Lodi, there is a possibility that the use of illegal fire works could increase without the fire and police departments being able to identify it.

This issue was brought to the council by non-profit groups within the community. Testimony received at the shirtsleeve session identified an acceptable saturation coverage as being approximately 15 booths.

APPROVED: _____


H. Dixon Flynn -- City Manager



CITY OF LODI, COUNCIL COMMUNICATION

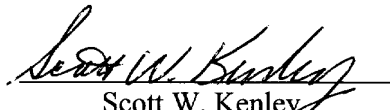
Further comments at the shirtsleeve session set the average net income from a booth at approximately \$7,000. Conservative estimates could identify as many as 100 non-profit groups in the community that would be interested in having a booth. If the procedure was to have one initial drawing to identify the 15 non-profit groups, there would be 85 unsatisfied groups in the community. If the procedure was to set up a system that allowed all interested groups to operate a booth, each group would be able to receive the net proceeds of \$7,000 once every seven years for an annual net intake of \$1,000.

Based on the research and information presented at the shirtsleeve session, staff has identified two possible alternatives. They are:

Alternative 1: Maintain the status quo and keep, in place, the ban on the sale and use of fireworks, as voted on by the County Board of Supervisors.

Alternative 2: Direct staff to meet with the interested non-profit groups to identify the permitting process and develop an ordinance permitting the sale and use of legal fireworks for council approval. Set a Public Hearing for Wednesday, March 19, 1997, to hear the ordinance and allow for public input.

FUNDING: NONE


Scott W. Kenley
Fire Chief

SK/lh

TO: MEMBERS, LODI CITY COUNCIL

FROM: DON HAWKINSON, RESIDENT - CITY OF LODI

DATE: FEB. 1, 1997

SUBJECT: POSSIBLE LEGALIZATION OF SAFE & SANE FIREWORKS

For reasons of personal and public safety, the prohibition of all fireworks within the City of Lodi should not be rescinded.

The public safety of many should not be compromised for the monetary profit of a few, regardless of how worthy the cause.

At risk is the entire population of the City of Lodi, especially the young, in addition to all private and public property, especially the Lodi Lake Wilderness Area. Also endangered would be all levees, all vacant weed lots (especially those that border occupied dwellings), all irrigation canal right-of-ways that pass through residential areas and the railroad right-of-ways bordering residential and commercial properties. NOTE: weed abatement of the above areas/properties is seldom completed by July 4 and dry grass abounds.

"Safe and Sane" fireworks is a misnomer; no fireworks are safe. Some have had the risk reduced and henceforth "approved" by the California State Fire Marshall. It is a calculated risk since "Safe and Sane" fireworks are just "approved", NOT certified as safe.

If "Safe and Sane" fireworks are to be allowed within the City of Lodi, they should be heavily regulated and controlled as follows:

Booths:

1. A substantial, non-refundable permit fee charged for administrative purposes.
2. The number of stands should be limited.
3. There should be restrictions of the locations.
4. There should be 24-hour security to guard against vandalism, especially by fire. NOTE: A fireworks stand on fire is not only a hazard to the community, it is especially dangerous to the fire fighters who must respond to extinguish it (at that time they are no longer "Safe and Sane" fireworks, but can become explosive).
5. Booths in violation of any regulations, unsafe handling of fireworks, or sale to underage persons to be closed on the spot and all permits and/or agreements rescinded.

Yearly Review:

1. Number of fires attributed to all fireworks.
2. Property damage.
3. Injuries or death.
4. A check of emergency room and urgent care facility records reflecting injuries by fireworks.

Other:

1. Fines for the careless and unsafe use of "Safe and Sane" fireworks.
2. Heavy fines (\$500.00 or more) and/or jail time for the possession, use or sale of illegal fireworks.
3. Prohibit the use of fireworks at Lodi Lake by the public to guard against injuries due to indiscriminate or careless handling and an attempt to protect the Wilderness Area. In other words: to protect public safety and property.
4. Restrict the age of persons who ignite fireworks to 16 years or older.

SAFESANE



RECEIVED

17 JAN 29 PM 2:30

17 JAN 29 PM 2:30

January 27, 1997

The Honorable Phil Pennino
Mayor of the City of Lodi
305 West Pine Street
Lodi, CA 95240

Dear Mayor Pennino:

On behalf of both American Promotional Events, Inc. as well as myself, I would like to take this time to express my sincere appreciation for the opportunity to appear before the City Council on Tuesday, January 21, 1997. In addition, I wanted to promptly respond to your request for additional information about American Promotional Events, Inc. and its principals, the Anderson family.

As your fire chief informed you in both his written report as well as his remarks last Tuesday, American Promotional Events, Inc. is not only the state's largest wholesale distributor of state approved ("Safe and Sane") fireworks but the nation's leading consumer fireworks company that is known for its strength of **commitment to excellence** and the quality of its associates. Since entering the **California market seven years ago**, American Promotional Events, Inc. has **distinguished itself** throughout the state, and more particularly in each of the communities it serves, as a company that is **"committed" to safety, quality and service.**

Whether it's from helping to develop and implement statewide as well as local fireworks safety and education efforts: to working to remove wire-core sparklers from the market in California; to toughing local ordinances - American Promotional Events, Inc. has established safety not only as a responsibility but a high priority which it enthusiastically embraces.



8450 Rovana Circle
Sacramento, CA 95828
Office: (916) 387-2335
Fax: (916) 386-0745



8450 Rovana Circle
Sacramento, CA 95828
Office: (916) 387-2626
Fax: (916) 386-0745

American Promotional Events, Inc. has worked with the Office of the State Fire Marshal to draft, develop and secure passage of tougher statewide regulations to improve the quality and performance standards of the state-approved fireworks items sold in California as well as increases in the industry's license fees so as to provide the necessary funding for police and fire departments to crack down on and rid communities of dangerous, illegal fireworks. All of this has been done so as to ensure that families can enjoy safe, 4th of July backyard fireworks celebrations.

American Promotional Events, Inc. has strived to be true partners in service to each community whose non-profit organizations they serve. We recognize that the current economic times and difficulties are having their impact on the budgets of public sector agencies as well as non-profit community organizations and charities. The local civic organizations who sell state-approved fireworks range from service clubs, youth organizations, shelters for battered women, fraternal and veterans organizations, little leagues, school booster clubs to PTA's and charities. Like many public agencies, these organizations have to face the dilemma of decreasing revenues in the face of mounting costs of the services they provide to their communities. American Promotional Events, Inc. works aggressively and with every creative ounce of energy possible so as to maximize these organizations' annual revenue so that they in turn can plow those benefits back into their communities and help build a better California.

As I stated during my appearance before the City Council last Tuesday, American Promotional Events, Inc. is one of several distinguished corporations owned or controlled by the Anderson family. Among these highly-respected family-owned companies are some that I am sure you will recognize:

- Hibbits Sporting Goods (a chain of major sporting goods stores in the South)
 - "Books-A-Million" Book Superstores (the nation's third largest retail chain of bookstores)
 - Anderson News Company (one of the nation's largest book and periodical distribution companies)
 - Anderson Merchandisers (exclusive book, video and pre-recorded music supplier for all WalMarts nationwide)
 - Treat Entertainment (the largest wholesale distributor in the U.S. of collector and trading cards)
-

Mayor Pennino
January 27, 1997
Page 3 of 3


In addition, the Anderson family is one of the charter members of the American Fireworks Safety Laboratory (AFSL). This is a fireworks testing and safety lab similar to Underwriters Laboratory (UL) that works to improve and maintain the quality and consistency of the fireworks products sold in the United States.

I sincerely hope that this is responsive to your request. Should you desire further information please feel free to contact me.

Sincerely yours,



Cathy Castilone
Vice President
Northern and Central Divisions



Sally Sullivan Doerr
Area Manager
Northern Division

c.c.

Councilman Keith Land
Councilman Stephen Mann
Councilman Jack Sieglock
Councilman David Warner
City Manager H. Dixon Flynn
Fire Chief Scott Kenley
Police Chief Larry Hansen
City Attorney Randall A. Hays

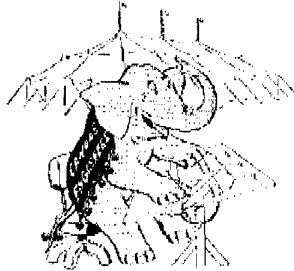
LODI TENT & AWNING COMPANY, Inc.

1617 ACKERMAN DRIVE — TELEPHONE (209) 368-6587

LODI, CALIFORNIA 95240

FAX: 1-209-368-3216.....

Feb. 19, 1997



RECEIVED

State Contractor's License
Number 250215

FEB 19 PM 12:35

CITY CLERK
CITY OF LODITo All City Councilman of
LODI, CA.

This plea is in reference to your consideration for making Fireworks legal for our community...

Before you decide, I wish you would watch the 10 and 11:00 o'clock news casts from 1996, Channels 3,10,13. They all carried scenes of Firemen, overworked with the calls directly related to Fireworks, and in particular, 1 mother, whose child was in the hospital...

This child was hurt with a fireworks item, labeled Safe, as you are now considering; it was not safe! The child will have medical treatment and pain...no dollar is worth 1 child's suffering the loss of EYESIGHT OR ANY BURNS TO THEIR BODIES.

...These kids are relying on our best judgement, but when Fireworks are legalized in our community, someone, something, will get hurt.

The men's clubs can raise funds in a much safer fashion if they try!

My thought: Why build them swings on a playground if you have allowed FIREWORKS to damage their hand so they can not hang on...

Why build them slides to go down, if you have allowed FIREWORKS to damage their sight to prevent them from safely climbing the ladders...

The list can go on, and on, and on.

Please remember, no dollar is worth pain to their bodies or their homes.

Thank you,

Sandra Welk
Sandra Welk

February 19, 1997

To: Lodi City Council

From: Loren & Joyce Dickerson
2029 W. Tokay St.
Lodi, CA 95242

RECEIVED
FEB 19 PM 12:34
CITY CLERK
JULY 1997

REGARDING FIREWORKS:

It is our understanding that tonight you will be discussing the legalization of fireworks within the city of Lodi.

Through the years of experience we have all had regarding the dangers of fireworks, we cannot understand your line of thinking in this area.

Our city has tried to curtail the use of fireworks and we have been pretty lucky for a long time, but each year we hear stories of homes destroyed and children severely injured due to careless use of fireworks.

Each Independence Day celebration brings pop-bottle rockets flying around our neighborhoods with the threat of damaging homes, and we can hear fire-crackers exploding out in the streets.

Although the city display over Lodi Lake is nothing to rave about, it seems to be an annual event young people enjoy. Let's keep our town safe and sane during these celebrations and continue to strictly regulate the use of these dangerous items.

REGARDING PROPOSED BOAT RAMP AT LODI LAKE:

Let's keep the beauty and tranquility of Lodi Lake intact, not destroy it with boats, boat trailers, jet skis, etc. and the type of users that arrive along with those "toys." The lake is much too small for boat traffic, and the river is not suitable for fast boating and water skiing. We also own a boat, and there are many places to go within just a few miles for this type of activity. Additional insurance and funding for upkeep would be needed when we can hardly support athletic activities for young people in our city.

We have always felt that giving our beautiful park over to the power boat races in July is a big mistake. After the races, it takes weeks for the water to clear up enough to enjoy. The lake is for the enjoyment of our own tax-paying families - why do you constantly invite pollution from that activity? Money isn't everything!

We have a beautiful outdoor getaway that can be enjoyed by our families - let's not destroy it and encumber ourselves with more liabilities.

Joyce Dickerson
Loren Dickerson

"Regarding Fire works in Lodi"

Dave Lewis
544 1/2 E. Oak St.
Lodi CA.
95240
334-6705

Dear Mayor Phil Pennino;

Councilmember Keith Land, Stephen Mann, Jack Sieglor
& David Warner.

I would like to express to you how important it is to have legal & safe and sane fire works to be allowed to be sold & used in Lodi City limits.

I believe that one of the most important holidays to an American is the 4th of July! Our heritage is so important to the direction of our future. To not allow "safe" fire works to be enjoyed by families in their back yards is to deny teaching time for fathers to son's and daughters on our rich heritage. Safe fire works are very fun and exciting to children, and they are so open to hearing about our history when some thing is so exciting to them.

Thank-you for hearing my voice and opinion. I do hope that you will allow Fire works to be sold and used by families in Lodi.

Sincerely
Dave Lewis

RECEIVED
FEB 18 PM 6:00
CITY CLERK
Dear Councilmembers:

I wanted to take this time to say I am in favor of the sale of fireworks-"Safe + Sane" in Lodi.

Lodians have been buying them in Galt for many years.

If the legal fireworks are available in Lodi maybe they would buy "Safe + Sane" and less of the illegal ones.

Having lived in Galt for a while - the 4th of July was a fun time with neighbors making fireworks displays a gathering.

There were usually parents around and I never heard of any injuries or fires from the legal fireworks while I lived there.

Thank you

Steve Haley

334 BARRINGTON WAY

LODI, CA.

95240

February 10, 1997

RECEIVED
FEB 18 PM 4:07
JENNIFER M. PERDUE
CITY CLERK
CITY OF LODI

To Lodi City Council:

Speaking on behalf of the Tokay High Cheer Boosters we would like to address the issue regarding the firework stands in Lodi.

We believe from the information presented to us it was a safe program with prior education for children and adults. Under these circumstances we believe this would be in the best interest for Lodi to adopt an ordinance for fireworks to be sold in our community. This would help non-profit organizations as well as the city to profit monies. People are going to Sacramento County towns to purchase fireworks. So for the best interest of all-we should keep the money in our own community.

We know that the Galt Boys & Girls Club profits from the sales of fireworks. We need some type of financing for non-profit youth organizations that can have activities to keep our kids off the streets.

Thank you,
THS Cheer Boosters